Calendar No. 866

100TH CONGRESS
2d Session

SENATE

REPORT
100-450

CONSTITUTION HERITAGE ACT OF 1988

AUGUST 5, 1988.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1939]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1939) to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and for other purposes, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Constitution Heritage Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) 1987 was the bicentennial of the signing of the United States Constitution;

(2) commemoration of the Constitution's bicentennial included various events conducted by the Federal Commission on the Bicentennial of the United States Constitution, and State and local bicentennial commissions;

(3) bicentennial activities included important educational and instructional programs to heighten public awareness of the Constitution and the democratic process;

(4) educational programs for the Constitution should continue after the bicentennial to document its profound impact on the political, economic and social development of this Nation, and in order to recognize those Americans instrumental in the history of the Constitution; and

(5) units of the National Park System preserve and interpret key historic sites that document the history of the origins, subsequent development, and effects of the United States Constitution on this Nation.

(b) PURPOSES.—It is therefore the policy of the Congress to provide each of the following:

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(1) the necessary resources to develop a national resource center to undertake, on an ongoing basis, educational programs on the Constitution;

(2) exhibits of, and an archives for, programs on or related to the recent bicentennial of the United States Constitution; and

(3) interpretation of the United States Constitution at those units of the National Park System particularly relevant to its history.

SEC. 3. ESTABLISHMENT OF THE CENTER.

(a) ESTABLISHMENT BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall establish The National Constitution Center (hereafter in this Act referred to as the "Center") within or in close proximity to the Independence National Historical Park. The Center shall disseminate information about the United States Constitution on a nonpartisan basis in order to increase the awareness and understanding of the Constitution among the American people.

(b) FUNCTIONS OF THE CENTER.—The functions of the Center shall include—

(1) serving as a center of exhibits and related materials on the history and contemporary significance of the Constitution;

(2) directing a national program of public education on the Constitution, issuing traveling exhibits, commissioning radio and television programs, furnishing materials for the schools, and providing other education services;

(3) functioning as an intellectual center, drawing both academics and practitioners to debate and refine constitutional issues and, at the same time, providing intellectual support for the Center's exhibits and public education program; and

(4) creating archives for programs on the bicentennial of the United States Constitution.

SEC. 4. ACQUISITION OF SITE FOR AND OPERATION OF THE CENTER.

(a) PROVIDING A SITE.—The Secretary through the General Services Administration, is authorized to provide, upon adequate reimbursement, a site, including necessary structures, for the Center by—

(1) using an existing structure or modifying an existing structure for use; or

(2) constructing a new structure to house the Center. The Secretary may acquire such land as is necessary to provide a site for the Center.

(b) PROVISION OF FUNDS TO THE CENTER.—The Secretary is authorized to make grants to, and enter into cooperative agreements, contracts or leases with The National Constitution Center, Philadelphia, Pennsylvania, which shall operate the Center as provided in this Act in order to carry out the purposes of this Act. Funds authorized to be appropriated under this Act may be made available to the National Constitution Center only to the extent that they are matched by such entity with funds from nonfederal sources.

SEC. 5. DIRECTIVES TO SECRETARY.

(a) INDEPENDENCE NATIONAL HISTORICAL PARK AND OTHER UNITS.—The Secretary shall interpret the origins, subsequent development, and effects of the United States Constitution on this country at Independence National Historical Pack and at such other units of the National Park System as are closely associated with the Constitution. The Secretary shall select not less than 12 units of the National Park System for such interpretation, including Independence National Historic Park.

(b) MEMORIAL.—The Secretary is authorized to establish and maintain at Independence National Historical Park an appropriate memorial to the United States Constitution as a key document in our Nation's history.

(c) PUBLIC MATERIALS.—In coordination with the National Constitution Center, the Secretary shall develop and make available to the public interpretive and educational materials related to sites within the National Park System as referred to in subsection (a).

(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners or administrators of historic sites closely associated with the Constitution, pursuant to which the Secretary may provide technical assistance in the preservation and interpretation of such sites.

(e) RESEARCH AND EDUCATION.—The Secretary shall contract with the National Constitution Center and other qualified institutions of higher learning for research and other activities including the distribution of interpretive and educational materials as appropriate in order to carry out the provisions of this Act.

(f) Nothing in this section may be construed to alter or waive the requirement that the Secretary maintain the historic integrity of units of the National Park

System, including compliance with section 106 of the Historic Preservation Act (90 Stat. 1320) as amended.

SEC. 6. FUNDING.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Amend the title so as to read:

An Act to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and to establish a National Center for the United States Constitution within the Independence National Historical Park in Philadelphia, Pennsylvania.

PURPOSE OF THE MEASURE

The purpose of H.R. 1939, as ordered reported, is to establish a National Center for the United States Constitution within or in close proximity to the Independence National Historical Park in Philadelphia, Pennsylvania and to provide for continuing interpretation of the Constitution at appropriate units of the National Park System.

BACKGROUND AND NEED

Last year, 1987, marked the beginning of the bicentennial celebration of the United States Constitution. The three branches of our Federal Government participated in ceremonies throughout the year as did millions of American citizens. Many of these ceremonies, observances, and remembrances took place at various units of the National Park system.

The Nation's parks preserve key elements of the origins, development and effects of the U.S. Constitution. These sites document the diverse impacts the Constitution has had on American history, in ways both obvious and subtle. The Committee believes that these park units provide an excellent way for Americans to learn more about the Constitution's history as the official celebration of the bicentennial continues through 1990. Likewise, the Committee feels that these learning experiences can continue long after the official celebration has ended as part of the standard interpretive program of the National Park Service.

Although some units of park systems can and will play an important role in providing information about this most important document, there is currently no institution in the country dedicated solely to disseminating public information about the Constitution through existing networks, on an authoritative and non-partisan basis. Like Park System units, such a Center would be particularly important in focusing national attention on the history and importance of the Constitution long after the bicentennial celebration has ended. H.R. 1939, as ordered reported, would establish such a Center.

Taken together, the establishment of a Constitution Center, to be located in Philadelphia, Pennsylvania at or near Independence National Historical Park and the directive for the Secretary to interpret the origins, subsequent development and effects of the Constitution on the country at various park units, will help ensure that

the heightened awareness of the Constitution, which was fostered during the bicentennial celebration, will increase in years to come.

LEGISLATIVE HISTORY

S. 1052 was introduced by Senator Specter and Senator Heinz on April 21, 1987. A hearing was conducted by the Subcommittee on Public Lands, National Parks and Forests on April 14, 1988. A companion measure, H.R. 1939, passed the House of Representatives on May 27, 1987.

At the business meeting on Wednesday, July 27, 1988, the Senate Committee on Energy and Natural Resources ordered H.R. 1939, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 27, 1988, by unanimous vote of a quorum present, recommends that the Senate pass H.R. 1939 if amended, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad*	
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht*	
Mr. Evans	

*Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of H.R. 1939, the Committee adopted an amendment in the nature of a substitute which incorporates the major provisions of the Senate bill, S. 1052 and the House-passed measure, H.R. 1939. Therefore, as ordered reported, H.R. 1939 includes the Constitution Center proposed by the Senate bill and the provisions related to the National Park Service contained in the House bill.

The Committee amendment is described in more detail in the Section-By-Section Analysis portion of this report.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title.

Section 2 includes several congressional findings and purposes which are self-explanatory.

Section 3 provides for the establishment of the National Constitution Center within or in close proximity to Independence National Historical Park in Philadelphia, Pennsylvania. This section also sets forth the various functions of the Center.

Section 4 provides for the acquisition of a site for the Center by the Secretary, through the General Services Administration. In addition the Secretary is authorized to award grants, enter into cooperative agreements contracts or leases with the National Constitution Center, a non-profit entity. Authorized grants must be matched by funds from non-Federal sources.

Section 5 directs the Secretary of the Interior to interpret the origins, development, and effects of the United States Constitution on this country at Independence National Historical Park and at such other units of the National Park System as are closely associated with the Constitution. Not less than 12 units are to be selected. The Committee urges the Secretary to include as many units as possible in the list of parks to be considered under this section. The Secretary should consider a wide variety of park units which reflect the many facets of the Constitution and its development which are represented in the National Park System.

This section also authorizes the Secretary to establish an appropriate memorial to the Constitution at Independence National Historical Park. Subsection (f) makes it clear that in establishing such a memorial, the Secretary is required to ensure that the historic integrity of Independence National Historical Park is not compromised in any manner.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, DC 20515

August 4, 1988

Honorable J. Bennett Johnston, Jr.
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Congressional Budget Office has reviewed H.R. 1939, the Constitution Heritage Act of 1988, as ordered reported by the Senate Committee on Energy and Natural Resources, July 27, 1988. While the costs of implementing the bill cannot be estimated with precision, CBO expects that total federal expenditures would be about $300,000 in fiscal year 1989 and $200,000 a year thereafter, assuming appropriation of the necessary amounts.

Section 3 of H.R. 1939 would direct the Secretary of the Department of the Interior (DOI) to establish the National Constitution Center near the Independence National Historical Park in Philadelphia, Pennsylvania. The center would operate public education and interpretive programs and would house Constitution-related exhibits and archives. Under Section 4 of the bill, the Secretary would be authorized to provide the center with appropriate facilities on a reimbursable basis. If necessary, the Secretary would be permitted to acquire land for this purpose. In addition, the Secretary would be authorized to support the center's operation through grants if matched by the center with nonfederal funds.

The costs to implement section 3 and 4 are uncertain. No costs would be incurred to establish the National Constitution Center, which already operates interpretive programs on the Constitution using private donations. Similarly, no costs are likely to be incurred in the near future for housing the center in a different location at the park. If the Secretary decides to award operating grants to the center or to purchase educational materials from it, federal outlays would be limited to whatever amount the center could raise from other donations. The center spends about $400,000 a year to carry out its current program. At the expected level of future operations and fundraising activities, CBO expects that grants and/or other payments would not exceed $250,000 a year and would more likely be in the vicinity of $100,000.

Section 5 of the bill would authorize the DOI to establish a memorial to the Constitution at the Independence National

Historical Park. In addition, this section would require the Secretary to implement interpretive programs at not less than 12 National Park System units closely associated with the Constitution, including Independence. At these sites, the Secretary would be required to disseminate educational materials developed with the National Constitution Center. Finally, the bill would require the DOI to contract with the National Constitution Center and other institutions to conduct related research and educational programs. Assuming that the necessary sums are appropriated, CBO estimates that the DOI would spend about $75,000 in fiscal year 1989 to erect the Constitution memorial. Beginning in that year, annual costs of about $100,000 would be incurred to fund interpretive programs, development of educational materials, and research.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

James L. Blum
Acting Director

cc: Honorable James A. McClure
Ranking Minority Member

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1939. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1939, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to the H.R. 1939, is set forth below:

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

NOV 18 1987

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

NOV 1 - 87

Dear Mr. Chairman:

This responds to your request for our views on H.R. 1939, "To provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and for other purposes."

While we recognize the laudable intentions of this measure, we recommend against its enactment. We have adequate authority to properly interpret the Constitution within existing budget and staff and we have undertaken to do so.

Independence National Historical Park already serves as the focal point for the National Park Service celebration of the Constitution's Bicentennial. In Independence Hall (as the Pennsylvania State House was later called), the Constitutional Convention debated, ratified, and signed the Federal charter. Visitors to Independence Hall can see in the restored Assembly Room the "rising sun" chair from which George Washington presided and the silver inkstand used by the signers of both the Declaration of Independence and the Constitution.

In addition to Independence Hall, Independence National Historical Park contains two structures intimately associated with the growth and development of constitutional doctrine in the early years of the Republic. These buildings are:

1. The First Bank of the United States

   The First Bank of the United States is significant because the proposal to charter the institution provoked the first great debate over strict, as opposed to expansive, interpretation of the Constitution. In

adopting Hamilton's proposal and chartering the bank, the Congress and President Washington took the necessary first steps toward implementing a sound fiscal policy that eventually would ensure the survival of the new Federal Government and the continued growth and prosperity of the United States.

2. The Second Bank of the United States

The Second Bank of the United States is significant because of its association with the bank war in the 1830's between President Andrew Jackson and the Congress. This event re-opened the debate over the constitutionality of the Second Bank of the United States and the Supreme Court's decision in McCullough v. Maryland (1819). President Andrew Jackson's veto of the bank bill anticipated later presidential vetoes and the growth in the system of checks and balances inherent today in the relationship between the executive, legislative, and judicial branches of government.

We believe section (b) of H.R. 1939 to establish a memorial at Independence National Historical Park to the United States Constitution is unnecessary. As stated above, the park already contains three structures, Independence Hall, the First Bank of the United States, and the Second Bank of the United States, intimately associated with the drafting of the Constitution and the subsequent development of constitutional doctrine. Independence Hall is inscribed on the World Heritage List. The Secretary of the Interior designated both the First and Second Bank buildings as National Historic Landmarks on May 4, 1987, because of their association with the development of constitutional doctrine. Because these three structures survive and are well-preserved, we believe they are sufficient memorials to the Constitution.

Section (c) of H.R. 1939 would require the Secretary to develop interpretive and educational materials concerning the Constitution for distribution to the public. We note that the National Park Service has already completed a major effort in this area. In addition to our previously published book Signers of the Constitution, which has been reprinted both privately and in a modified form in cooperation with the National Archives, we have completed The U.S. Constitution--A National Historic Landmark Theme Study, which is available for sale through the Government

Printing Office, and an interpretive brochure called The National Parks and the Bicentennial of the United States Constitution.

Some additional examples of interpretive and educational material concerning the Constitution include the following:

1. The Bicentennial Daybook briefly describes the daily events and activities of 1787 associated with the creation of the Constitution. This publication is available from the Eastern National Park & Monument Association in Philadelphia.

2. The touring musical drama "Four Little Pages" provides an informative and entertaining look into the drafting of the Constitution. A company performed this play at Independence National Historical Park throughout the summer of 1987, and a tour was conducted through a matching grant from the CIGNA Corporation.

3. A traveling exhibit of political cartoons illustrating constitutional issues throughout the last 200 years is now available to all parks through their regional offices.

4. A slide show entitled "Blessings of Liberty" is now available to parks through their regional offices. Videotape versions are available to regional offices through purchase from the Eastern National Parks & Monument Association.

5. The handbook The Framing of the Federal Constitution was recently reprinted. It is available for purchase through the Eastern National Parks & Monument Association.

In addition, we expect the publication this year of many studies and pamphlets relating to the Constitution and the parks under the sponsorship of the various park associations.

In regard to section (d) H.R. 1939, we note that the recently published The U.S. Constitution--A National Historic Landmark Theme Study identifies a total of 165 existing National Historic Landmarks and units of the National Park System that are important in the interpretation of the constitutional history of the United States. Of the 145 National Historic Landmarks associated with the U.S. Constitution, one site, the Isaiah T. Montgomery House, has been identified as seriously

deteriorated. The National Park Service has provided technical assistance to this landmark by means of an in-depth site inspection and condition assessment report. This report identifies specific building deficiencies, provides work recommendations, and gives cost estimates. Copies of this report were provided to owners of the landmark and the State Historic Preservation Officer of Mississippi for use in preservation planning.

With regard to section (e) concerning research and education, we believe that these activities can be sustained at an appropriate level through the use of existing staff and resources at Independence National Historical Park.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

William P. Horn

ASSISTANT SECRETARY

CHANGES IN EXISITING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 1939, as reported.

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